
SUBSTITUTE SENATE BILL 5245

State of Washington

60th Legislature

2007 Regular Session

By Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Brandland, McAuliffe, Stevens, Rockefeller and Shin; by request of Department of Social and Health Services)

READ FIRST TIME 02/19/07.

1 AN ACT Relating to compliance with the federal safe and timely
2 interstate placement of foster children; amending RCW 13.34.060,
3 13.34.062, 13.34.138, 13.34.145, 74.13.280, and 74.13.285; and adding
4 new sections to chapter 13.34 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 13.34 RCW
7 to read as follows:

8 The department or a supervising agency shall provide the child's
9 foster parents, preadoptive parents, or other caregivers with notice of
10 their right to be heard prior to each proceeding held with respect to
11 the child in juvenile court under this chapter. The rights to notice
12 and to be heard apply only to persons with whom a child has been placed
13 by the supervising agency and who are providing care to the child at
14 the time of the proceeding. This section shall not be construed to
15 grant party status to any person solely on the basis of such notice and
16 right to be heard.

17 **Sec. 2.** RCW 13.34.060 and 2002 c 52 s 4 are each amended to read
18 as follows:

1 (1) A child taken into custody pursuant to RCW 13.34.050 or
2 26.44.050 shall be immediately placed in shelter care. A child taken
3 by a relative of the child in violation of RCW 9A.40.060 or 9A.40.070
4 shall be placed in shelter care only when permitted under RCW
5 13.34.055.

6 (a) Unless there is reasonable cause to believe that the health,
7 safety, or welfare of the child would be jeopardized or that the
8 efforts to reunite the parent and child will be hindered, priority
9 placement for a child in shelter care shall be with any person
10 described in RCW 74.15.020(2)(a). The person must be willing and
11 available to care for the child and be able to meet any special needs
12 of the child. The person must be willing to facilitate the child's
13 visitation with siblings, if such visitation is part of the supervising
14 agency's plan or is ordered by the court. If a child is not initially
15 placed with a relative pursuant to this section, the supervising agency
16 shall make an effort within available resources to place the child with
17 a relative on the next business day after the child is taken into
18 custody. The supervising agency shall document its effort to place the
19 child with a relative pursuant to this section. Nothing within this
20 subsection (1)(a) establishes an entitlement to services or a right to
21 a particular placement.

22 (b) Whenever a child is taken into custody pursuant to this
23 section, the supervising agency may authorize evaluations of the
24 child's physical or emotional condition, routine medical and dental
25 examination and care, and all necessary emergency care. In no case may
26 a child who is taken into custody pursuant to RCW 13.34.055, 13.34.050,
27 or 26.44.050 be detained in a secure detention facility. No child may
28 be held longer than seventy-two hours, excluding Saturdays, Sundays and
29 holidays, after such child is taken into custody unless a court order
30 has been entered for continued shelter care. The child and his or her
31 parent, guardian, or custodian shall be informed that they have a right
32 to a shelter care hearing. The court shall hold a shelter care hearing
33 within seventy-two hours after the child is taken into custody,
34 excluding Saturdays, Sundays, and holidays. If a parent, guardian, or
35 legal custodian desires to waive the shelter care hearing, the court
36 shall determine, on the record and with the parties present, whether
37 such waiver is knowing and voluntary.

1 (2) Whenever a child is taken into custody by child protective
2 services pursuant to a court order issued under RCW 13.34.050 or when
3 child protective services is notified that a child has been taken into
4 custody pursuant to RCW 26.44.050 or 26.44.056, child protective
5 services shall make reasonable efforts to inform the parents, guardian,
6 or legal custodian of the fact that the child has been taken into
7 custody, the reasons why the child was taken into custody, and their
8 legal rights under this title as soon as possible and in no event shall
9 notice be provided more than twenty-four hours after the child has been
10 taken into custody or twenty-four hours after child protective services
11 has been notified that the child has been taken into custody. Child
12 protective services shall also inform the parent, guardian, or legal
13 custodian that if shelter care status is granted, the department will
14 obtain the child's medical, dental, mental health, and education
15 records. The notice of custody and rights may be given by any means
16 reasonably certain of notifying the parents including, but not limited
17 to, written, telephone, or in person oral notification. If the initial
18 notification is provided by a means other than writing, child
19 protective services shall make reasonable efforts to also provide
20 written notification.

21 **Sec. 3.** RCW 13.34.062 and 2004 c 147 s 2 are each amended to read
22 as follows:

23 (1) The written notice of custody and rights required by RCW
24 13.34.060 shall be in substantially the following form:

25 "NOTICE

26 Your child has been placed in temporary custody under the
27 supervision of Child Protective Services (or other person or agency).
28 You have important legal rights and you must take steps to protect your
29 interests.

30 1. A court hearing will be held before a judge within 72 hours of
31 the time your child is taken into custody excluding Saturdays, Sundays,
32 and holidays. You should call the court at (insert appropriate
33 phone number here) for specific information about the date, time,
34 and location of the court hearing.

35 2. You have the right to have a lawyer represent you at the
36 hearing. Your right to representation continues after the shelter care
37 hearing. You have the right to records the department intends to rely

1 upon. You may have the right to a copy of your child's medical,
2 dental, mental health, and education records. A lawyer can look at the
3 files in your case, talk to child protective services and other
4 agencies, tell you about the law, help you understand your rights, and
5 help you at hearings. If you cannot afford a lawyer, the court will
6 appoint one to represent you. To get a court-appointed lawyer you must
7 contact: (explain local procedure).

8 3. At the hearing, you have the right to speak on your own behalf,
9 to introduce evidence, to examine witnesses, and to receive a decision
10 based solely on the evidence presented to the judge.

11 4. If your hearing occurs before a court commissioner, you have the
12 right to have the decision of the court commissioner reviewed by a
13 superior court judge. To obtain that review, you must, within ten days
14 after the entry of the decision of the court commissioner, file with
15 the court a motion for revision of the decision, as provided in RCW
16 2.24.050.

17 You should be present at any shelter care hearing. If you do not
18 come, the judge will not hear what you have to say.

19 You may call the Child Protective Services' caseworker for more
20 information about your child. The caseworker's name and telephone
21 number are: (insert name and telephone number).

22 5. You have a right to a case conference to develop a written
23 service agreement following the shelter care hearing. The service
24 agreement may not conflict with the court's order of shelter care. You
25 may request that a multidisciplinary team, family group conference, or
26 prognostic staffing be convened for your child's case. You may
27 participate in these processes with your counsel present."

28 Upon receipt of the written notice, the parent, guardian, or legal
29 custodian shall acknowledge such notice by signing a receipt prepared
30 by child protective services. If the parent, guardian, or legal
31 custodian does not sign the receipt, the reason for lack of a signature
32 shall be written on the receipt. The receipt shall be made a part of
33 the court's file in the dependency action.

34 If after making reasonable efforts to provide notification, child
35 protective services is unable to determine the whereabouts of the
36 parents, guardian, or legal custodian, the notice shall be delivered or
37 sent to the last known address of the parent, guardian, or legal
38 custodian.

1 (2) If child protective services is not required to give notice
2 under RCW 13.34.060(2) and subsection (1) of this section, the juvenile
3 court counselor assigned to the matter shall make all reasonable
4 efforts to advise the parents, guardian, or legal custodian of the time
5 and place of any shelter care hearing, request that they be present,
6 and inform them of their basic rights as provided in RCW 13.34.090.

7 (3) Reasonable efforts to advise and to give notice, as required in
8 RCW 13.34.060(2) and subsections (1) and (2) of this section, shall
9 include, at a minimum, investigation of the whereabouts of the parent,
10 guardian, or legal custodian. If such reasonable efforts are not
11 successful, or the parent, guardian, or legal custodian does not appear
12 at the shelter care hearing, the petitioner shall testify at the
13 hearing or state in a declaration:

14 (a) The efforts made to investigate the whereabouts of, and to
15 advise, the parent, guardian, or legal custodian; and

16 (b) Whether actual advice of rights was made, to whom it was made,
17 and how it was made, including the substance of any oral communication
18 or copies of written materials used.

19 (4) The court shall hear evidence regarding notice given to, and
20 efforts to notify, the parent, guardian, or legal custodian and shall
21 examine the need for shelter care. The court shall hear evidence
22 regarding the efforts made to place the child with a relative. The
23 court shall make an express finding as to whether the notice required
24 under RCW 13.34.060(2) and subsections (1) and (2) of this section was
25 given to the parent, guardian, or legal custodian. All parties have
26 the right to present testimony to the court regarding the need or lack
27 of need for shelter care. Hearsay evidence before the court regarding
28 the need or lack of need for shelter care must be supported by sworn
29 testimony, affidavit, or declaration of the person offering such
30 evidence.

31 (5)(a) A shelter care order issued pursuant to RCW 13.34.065 shall
32 include the requirement for a case conference as provided in RCW
33 13.34.067. However, if the parent is not present at the shelter care
34 hearing, or does not agree to the case conference, the court shall not
35 include the requirement for the case conference in the shelter care
36 order.

37 (b) If the court orders a case conference, the shelter care order

1 shall include notice to all parties and establish the date, time, and
2 location of the case conference which shall be no later than thirty
3 days prior to the fact-finding hearing.

4 (c) The court may order a conference or meeting as an alternative
5 to the case conference required under RCW 13.34.067 so long as the
6 conference or meeting ordered by the court meets all requirements under
7 RCW 13.34.067, including the requirement of a written agreement
8 specifying the services to be provided to the parent.

9 (6) A shelter care order issued pursuant to RCW 13.34.065 may be
10 amended at any time with notice and hearing thereon. The shelter care
11 decision of placement shall be modified only upon a showing of change
12 in circumstances. No child may be placed in shelter care for longer
13 than thirty days without an order, signed by the judge, authorizing
14 continued shelter care.

15 (7) Any parent, guardian, or legal custodian who for good cause is
16 unable to attend the initial shelter care hearing may request that a
17 subsequent shelter care hearing be scheduled. The request shall be
18 made to the clerk of the court where the petition is filed prior to the
19 initial shelter care hearing. Upon the request of the parent, the
20 court shall schedule the hearing within seventy-two hours of the
21 request, excluding Saturdays, Sundays, and holidays. The clerk shall
22 notify all other parties of the hearing by any reasonable means.

23 NEW SECTION. **Sec. 4.** A new section is added to chapter 13.34 RCW
24 to read as follows:

25 If a child is placed in the custody of the department or other
26 supervising agency immediately following the shelter care hearing, a
27 separate order and authorization regarding health care and education
28 records for the child shall be entered. The order shall provide the
29 department or other supervising agency with the right to inspect and
30 copy all health, medical, mental health, and education records of the
31 child and shall authorize and direct any agency, hospital, doctor,
32 nurse, dentist, orthodontist, or other health care provider, therapist,
33 drug or alcohol treatment provider, psychologist, psychiatrist, or
34 mental health clinic, or health or medical records custodian or
35 document management company, or school or school organization to permit
36 the supervising agency to inspect and to obtain copies of any records
37 of the child involved in the case, without the further consent of the

1 parent or guardian of the child. The order shall further grant the
2 supervising agency or its designee the authority and responsibility,
3 where applicable, to:

- 4 (1) Notify the child's school that the child is in out-of-home
5 placement;
- 6 (2) Enroll the child in school;
- 7 (3) Request the school transfer records;
- 8 (4) Request and authorize evaluation of special needs;
- 9 (5) Attend parent or teacher conferences;
- 10 (6) Excuse absences;
- 11 (7) Grant permission for extracurricular activities;
- 12 (8) Authorize medications which need to be administered during
13 school hours and sign for medical needs that arise during school hours;
14 and
- 15 (9) Complete or update school emergency records.

16 **Sec. 5.** RCW 13.34.138 and 2005 c 512 s 3 are each amended to read
17 as follows:

18 (1) Except for children whose cases are reviewed by a citizen
19 review board under chapter 13.70 RCW, the status of all children found
20 to be dependent shall be reviewed by the court at least every six
21 months from the beginning date of the placement episode or the date
22 dependency is established, whichever is first, at a hearing in which it
23 shall be determined whether court supervision should continue. The
24 initial review hearing shall be an in-court review and shall be set six
25 months from the beginning date of the placement episode or no more than
26 ninety days from the entry of the disposition order, whichever comes
27 first. The initial review hearing may be a permanency planning hearing
28 when necessary to meet the time frames set forth in RCW 13.34.145(3) or
29 13.34.134. The review shall include findings regarding the agency and
30 parental completion of disposition plan requirements, and if necessary,
31 revised permanency time limits. This review shall consider both the
32 agency's and parent's efforts that demonstrate consistent measurable
33 progress over time in meeting the disposition plan requirements. The
34 requirements for the initial review hearing, including the in-court
35 requirement, shall be accomplished within existing resources. (~~The
36 supervising agency shall provide a foster parent, preadoptive parent,
37 or relative with notice of, and their right to an opportunity to be~~

1 ~~heard in, a review hearing pertaining to the child, but only if that~~
2 ~~person is currently providing care to that child at the time of the~~
3 ~~hearing. This section shall not be construed to grant party status to~~
4 ~~any person who has been provided an opportunity to be heard.))~~

5 (a) A child shall not be returned home at the review hearing unless
6 the court finds that a reason for removal as set forth in RCW 13.34.130
7 no longer exists. The parents, guardian, or legal custodian shall
8 report to the court the efforts they have made to correct the
9 conditions which led to removal. If a child is returned, casework
10 supervision shall continue for a period of six months, at which time
11 there shall be a hearing on the need for continued intervention.

12 (b) If the child is not returned home, the court shall establish in
13 writing:

14 (i) Whether reasonable services have been provided to or offered to
15 the parties to facilitate reunion, specifying the services provided or
16 offered;

17 (ii) Whether the child has been placed in the least-restrictive
18 setting appropriate to the child's needs, including whether
19 consideration and preference has been given to placement with the
20 child's relatives, and whether both in-state and, where appropriate,
21 out-of-state placements have been considered;

22 (iii) Whether there is a continuing need for placement and whether
23 the placement is appropriate;

24 (iv) Whether there has been compliance with the case plan by the
25 child, the child's parents, and the agency supervising the placement;

26 (v) Whether progress has been made toward correcting the problems
27 that necessitated the child's placement in out-of-home care;

28 (vi) Whether the parents have visited the child and any reasons why
29 visitation has not occurred or has been infrequent;

30 (vii) Whether additional services, including housing assistance,
31 are needed to facilitate the return of the child to the child's
32 parents; if so, the court shall order that reasonable services be
33 offered specifying such services; and

34 (viii) The projected date by which the child will be returned home
35 or other permanent plan of care will be implemented.

36 (c) The court at the review hearing may order that a petition
37 seeking termination of the parent and child relationship be filed.

1 (2)(a) In any case in which the court orders that a dependent child
2 may be returned to or remain in the child's home, the in-home placement
3 shall be contingent upon the following:

4 (i) The compliance of the parents with court orders related to the
5 care and supervision of the child, including compliance with an agency
6 case plan; and

7 (ii) The continued participation of the parents, if applicable, in
8 available substance abuse or mental health treatment if substance abuse
9 or mental illness was a contributing factor to the removal of the
10 child.

11 (b) The following may be grounds for removal of the child from the
12 home, subject to review by the court:

13 (i) Noncompliance by the parents with the agency case plan or court
14 order;

15 (ii) The parent's inability, unwillingness, or failure to
16 participate in available services or treatment for themselves or the
17 child, including substance abuse treatment if a parent's substance
18 abuse was a contributing factor to the abuse or neglect; or

19 (iii) The failure of the parents to successfully and substantially
20 complete available services or treatment for themselves or the child,
21 including substance abuse treatment if a parent's substance abuse was
22 a contributing factor to the abuse or neglect.

23 (3) The court's ability to order housing assistance under RCW
24 13.34.130 and this section is: (a) Limited to cases in which
25 homelessness or the lack of adequate and safe housing is the primary
26 reason for an out-of-home placement; and (b) subject to the
27 availability of funds appropriated for this specific purpose.

28 (4) The court shall consider the child's relationship with siblings
29 in accordance with RCW 13.34.130(3).

30 **Sec. 6.** RCW 13.34.145 and 2003 c 227 s 6 are each amended to read
31 as follows:

32 (1) A permanency plan shall be developed no later than sixty days
33 from the time the supervising agency assumes responsibility for
34 providing services, including placing the child, or at the time of a
35 hearing under RCW 13.34.130, whichever occurs first. The permanency
36 planning process continues until a permanency planning goal is achieved

1 or dependency is dismissed. The planning process shall include
2 reasonable efforts to return the child to the parent's home.

3 (a) Whenever a child is placed in out-of-home care pursuant to RCW
4 13.34.130, the agency that has custody of the child shall provide the
5 court with a written permanency plan of care directed towards securing
6 a safe, stable, and permanent home for the child as soon as possible.
7 The plan shall identify one of the following outcomes as the primary
8 goal and may also identify additional outcomes as alternative goals:
9 Return of the child to the home of the child's parent, guardian, or
10 legal custodian; adoption; guardianship; permanent legal custody; long-
11 term relative or foster care, until the child is age eighteen, with a
12 written agreement between the parties and the care provider; a
13 responsible living skills program; and independent living, if
14 appropriate and if the child is age sixteen or older and the provisions
15 of subsection (2) of this section are met. The plan shall state
16 whether both in-state and, where appropriate, out-of-state placement
17 options have been considered by the agency.

18 (b) The identified outcomes and goals of the permanency plan may
19 change over time based upon the circumstances of the particular case.

20 (c) Permanency planning goals should be achieved at the earliest
21 possible date, preferably before the child has been in out-of-home care
22 for fifteen months. In cases where parental rights have been
23 terminated, the child is legally free for adoption, and adoption has
24 been identified as the primary permanency planning goal, it shall be a
25 goal to complete the adoption within six months following entry of the
26 termination order.

27 (d) For purposes related to permanency planning:

28 (i) "Guardianship" means a dependency guardianship, a legal
29 guardianship pursuant to chapter 11.88 RCW, or equivalent laws of
30 another state or a federally recognized Indian tribe.

31 (ii) "Permanent custody order" means a custody order entered
32 pursuant to chapter 26.10 RCW.

33 (iii) "Permanent legal custody" means legal custody pursuant to
34 chapter 26.10 RCW or equivalent laws of another state or of a federally
35 recognized Indian tribe.

36 (2) Whenever a permanency plan identifies independent living as a
37 goal, the plan shall also specifically identify the services that will
38 be provided to assist the child to make a successful transition from

1 foster care to independent living. Before the court approves
2 independent living as a permanency plan of care, the court shall make
3 a finding that the provision of services to assist the child in making
4 a transition from foster care to independent living will allow the
5 child to manage his or her financial, personal, social, educational,
6 and nonfinancial affairs. The department shall not discharge a child
7 to an independent living situation before the child is eighteen years
8 of age unless the child becomes emancipated pursuant to chapter 13.64
9 RCW.

10 (3) A permanency planning hearing shall be held in all cases where
11 the child has remained in out-of-home care for at least nine months and
12 an adoption decree, guardianship order, or permanent custody order has
13 not previously been entered. The hearing shall take place no later
14 than twelve months following commencement of the current placement
15 episode.

16 (4) Whenever a child is removed from the home of a dependency
17 guardian or long-term relative or foster care provider, and the child
18 is not returned to the home of the parent, guardian, or legal custodian
19 but is placed in out-of-home care, a permanency planning hearing shall
20 take place no later than twelve months, as provided in subsection (3)
21 of this section, following the date of removal unless, prior to the
22 hearing, the child returns to the home of the dependency guardian or
23 long-term care provider, the child is placed in the home of the parent,
24 guardian, or legal custodian, an adoption decree, guardianship order,
25 or a permanent custody order is entered, or the dependency is
26 dismissed.

27 (5) No later than ten working days prior to the permanency planning
28 hearing, the agency having custody of the child shall submit a written
29 permanency plan to the court and shall mail a copy of the plan to all
30 parties and their legal counsel, if any.

31 (6) At the permanency planning hearing, the court shall enter
32 findings as required by RCW 13.34.138 and shall review the permanency
33 plan prepared by the agency. If the child has resided in the home of
34 a foster parent or relative for more than six months prior to the
35 permanency planning hearing, the court shall also enter a finding
36 regarding whether the foster parent or relative was informed of the
37 hearing as required in RCW 74.13.280 and 13.34.138. If a goal of long-
38 term foster or relative care has been achieved prior to the permanency

1 planning hearing, the court shall review the child's status to
2 determine whether the placement and the plan for the child's care
3 remain appropriate. In cases where the primary permanency planning
4 goal has not been achieved, the court shall inquire regarding the
5 reasons why the primary goal has not been achieved and determine what
6 needs to be done to make it possible to achieve the primary goal. In
7 all cases, the court shall:

8 (a)(i) Order the permanency plan prepared by the agency to be
9 implemented; or

10 (ii) Modify the permanency plan, and order implementation of the
11 modified plan; and

12 (b)(i) Order the child returned home only if the court finds that
13 a reason for removal as set forth in RCW 13.34.130 no longer exists; or

14 (ii) Order the child to remain in out-of-home care for a limited
15 specified time period while efforts are made to implement the
16 permanency plan.

17 (7) If the court orders the child returned home, casework
18 supervision shall continue for at least six months, at which time a
19 review hearing shall be held pursuant to RCW 13.34.138, and the court
20 shall determine the need for continued intervention.

21 (8) The juvenile court may hear a petition for permanent legal
22 custody when: (a) The court has ordered implementation of a permanency
23 plan that includes permanent legal custody; and (b) the party pursuing
24 the permanent legal custody is the party identified in the permanency
25 plan as the prospective legal custodian. During the pendency of such
26 proceeding, the court shall conduct review hearings and further
27 permanency planning hearings as provided in this chapter. At the
28 conclusion of the legal guardianship or permanent legal custody
29 proceeding, a juvenile court hearing shall be held for the purpose of
30 determining whether dependency should be dismissed. If a guardianship
31 or permanent custody order has been entered, the dependency shall be
32 dismissed.

33 (9) Continued juvenile court jurisdiction under this chapter shall
34 not be a barrier to the entry of an order establishing a legal
35 guardianship or permanent legal custody when the requirements of
36 subsection (8) of this section are met.

37 (10) Following the first permanency planning hearing, the court
38 shall hold a further permanency planning hearing in accordance with

1 this section at least once every twelve months until a permanency
2 planning goal is achieved or the dependency is dismissed, whichever
3 occurs first.

4 (11) Except as provided in RCW 13.34.235, the status of all
5 dependent children shall continue to be reviewed by the court at least
6 once every six months, in accordance with RCW 13.34.138, until the
7 dependency is dismissed. Prior to the second permanency planning
8 hearing, the agency that has custody of the child shall consider
9 whether to file a petition for termination of parental rights.

10 (12) Nothing in this chapter may be construed to limit the ability
11 of the agency that has custody of the child to file a petition for
12 termination of parental rights or a guardianship petition at any time
13 following the establishment of dependency. Upon the filing of such a
14 petition, a fact-finding hearing shall be scheduled and held in
15 accordance with this chapter unless the agency requests dismissal of
16 the petition prior to the hearing or unless the parties enter an agreed
17 order terminating parental rights, establishing guardianship, or
18 otherwise resolving the matter.

19 (13) The approval of a permanency plan that does not contemplate
20 return of the child to the parent does not relieve the supervising
21 agency of its obligation to provide reasonable services, under this
22 chapter, intended to effectuate the return of the child to the parent,
23 including but not limited to, visitation rights. The court shall
24 consider the child's relationships with siblings in accordance with RCW
25 13.34.130.

26 (14) Nothing in this chapter may be construed to limit the
27 procedural due process rights of any party in a termination or
28 guardianship proceeding filed under this chapter.

29 **Sec. 7.** RCW 74.13.280 and 2001 c 318 s 3 are each amended to read
30 as follows:

31 (1) Except as provided in RCW 70.24.105, whenever a child is placed
32 in out-of-home care by the department or a child-placing agency, the
33 department or agency shall share the most recent information available
34 about the child and the child's family with the care provider and shall
35 consult with the care provider regarding the child's case plan. If the
36 child is dependent pursuant to a proceeding under chapter 13.34 RCW,

1 the department or agency shall keep the care provider informed
2 regarding the dates and location of dependency review and permanency
3 planning hearings pertaining to the child.

4 (2) Any person who receives information about a child or a child's
5 family pursuant to this section shall keep the information confidential
6 and shall not further disclose or disseminate the information except as
7 authorized by law. Such individuals shall agree in writing to keep the
8 information that they receive confidential and shall affirm that the
9 information will not be further disclosed or disseminated, except as
10 authorized by law.

11 (3) Nothing in this section shall be construed to limit the
12 authority of the department or child-placing agencies to disclose
13 client information or to maintain client confidentiality as provided by
14 law.

15 **Sec. 8.** RCW 74.13.285 and 2000 c 88 s 2 are each amended to read
16 as follows:

17 (1) Within available resources, the department shall prepare a
18 passport containing all known and available information concerning the
19 mental, physical, health, and educational status of the child for any
20 child who has been in a foster home for ninety consecutive days or
21 more. The passport shall contain education records obtained pursuant
22 to RCW 28A.150.510. The passport shall be provided to a foster parent
23 at any placement of a child covered by this section. The department
24 shall update the passport during the regularly scheduled court reviews
25 required under chapter 13.34 RCW.

26 New placements after July 1, 1997, shall have first priority in the
27 preparation of passports. Within available resources, the department
28 may prepare passports for any child in a foster home on July 1, 1997,
29 provided that no time spent in a foster home before July 1, 1997, shall
30 be included in the computation of the ninety days.

31 (2) In addition to the requirements of subsection (1) of this
32 section, the department shall, within available resources, notify a
33 foster parent before placement of a child of any known health
34 conditions that pose a serious threat to the child and any known
35 behavioral history that presents a serious risk of harm to the child or
36 others.

1 (3) The department shall hold harmless the provider for any
2 unauthorized disclosures caused by the department.

3 (4) Any foster parent who receives information about a child or a
4 child's family pursuant to this section shall keep the information
5 confidential and shall not further disclose or disseminate the
6 information, except as authorized by law. Such individuals shall agree
7 in writing to keep the information that they receive confidential and
8 shall affirm that the information will not be further disclosed or
9 disseminated, except as authorized by law.

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